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T-103 P.001

F-109

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Ser. No.: 09/731,457 Filing Date: December 6, 2000 Docket No. ISIS0053-100 /RTS-0182

Title: Antisense Modulation Of Damage-Specific DNA Pages to Follow: 11  
Binding Protein 1, P127 Expression

Sender's Name: Paul K. Legaard

Date: July 2, 2004

| RECIPIENT(S)           | COMPANY/FIRM | FAX            |
|------------------------|--------------|----------------|
| Examiner James Schultz | USPTO        | (703) 872-9306 |

MESSAGE: OFFICIAL FACSIMILE

**PLEASE DELIVER TO EXAMINER JAMES SCHULTZ  
ATTACHED IS:**

1. Request For Continued Examination (RCE) (1 page)
2. Fee Transmittal (1 page);
3. Petition For 3 Month Extension of Time (2 pages)
4. Preliminary Amendment (7 pages)

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL 215.665.2000 or 800.523.2900 IMMEDIATELY.

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## Request For Continued Examination (RCE) Transmittal

Address to:  
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Alexandria, VA 22313-1450

|                        |                       |
|------------------------|-----------------------|
| Application Number     | 09/731,457            |
| Filing Date            | December 6, 2000      |
| First Named Inventor   | Ian Popoff            |
| Art Unit               | 1635                  |
| Examiner Name          | James Schultz         |
| Attorney Docket Number | ISIS0053-100/RTS-0182 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

- i. ☒ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☐ Information Disclosure Statement (IDS)  
iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)  
b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1275


- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)  
ii. ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17)  
iii. ☐ Other \_\_\_\_\_

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)


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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                    |                                                                                     |                                   |              |
|--------------------|-------------------------------------------------------------------------------------|-----------------------------------|--------------|
| Name (Print /Type) | Paul K. Legaard                                                                     | Registration No. (Attorney/Agent) | 38,534       |
| Signature          |  | Date                              | July 2, 2004 |

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

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| Name (Print /Type) | Paul K. Legaard                                                                     |
| Signature          |  |
| Date               | July 2, 2004                                                                        |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1300**Complete if Known**

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/731,457            |
| Filing Date          | December 8, 2000      |
| First Named Inventor | Ian Popoff            |
| Examiner Name        | James Schultz         |
| Art Unit             | 1635                  |
| Attorney Docket No.  | ISIS0063-100/RTS-0182 |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
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☒ Charge fee(s) indicated below ☒ Credit any overpayments  
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 to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid      |
|---------------------|----------|--------------|----------|------------------------|---------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |               |
| 1001                | 770      | 2001         | 385      | Utility filing fee     |               |
| 1002                | 340      | 2002         | 170      | Design filing fee      |               |
| 1003                | 530      | 2003         | 265      | Plant filing fee       |               |
| 1004                | 770      | 2004         | 385      | Reissue filing fee     |               |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |               |
| <b>SUBTOTAL (1)</b> |          |              |          |                        | <b>(\$)</b> 0 |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 19                 | -20 ** = 0   | X              |          |
| Independent Claims | 3            | -3 ** = 0      | X        |
| Multiple Dependent |              | X              | 0        |

| Large Entity        |          | Small Entity |          | Fee Description                                            | Fee Paid    |
|---------------------|----------|--------------|----------|------------------------------------------------------------|-------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                                                            |             |
| 1202                | 18       | 2202         | 9        | Claims in excess of 20                                     |             |
| 1201                | 86       | 2201         | 43       | Independent claims in excess of 3                          |             |
| 1203                | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |             |
| 1204                | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |             |
| 1205                | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |             |
| <b>SUBTOTAL (2)</b> |          |              |          |                                                            | <b>(\$)</b> |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity |          | Small Entity |          | Fee Description                                                            | Fee Paid |
|--------------|----------|--------------|----------|----------------------------------------------------------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                                                                            |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath                                        |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non-English specification                                                  |          |
| 1812         | 2,620    | 1812         | 2,620    | For filing a request for reexamination                                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253         | 960      | 2253         | 475      | Extension for reply within third month - 2 months previously paid          | 530      |
| 1254         | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255         | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |          |
| 1401         | 330      | 2401         | 165      | Notice of Appeal                                                           |          |
| 1402         | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403         | 290      | 2403         | 145      | Request for oral hearing                                                   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable                                           |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional                                         |          |
| 1501         | 1,330    | 2501         | 665      | Utility issue fee (or reissue)                                             |          |
| 1502         | 480      | 2502         | 240      | Design issue fee                                                           |          |
| 1503         | 640      | 2503         | 320      | Plant issue fee                                                            |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner                                              |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17 (a)                                       |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Sheet                                 |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    | 770      |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 1300**SUBMITTED BY**

Name (Print/Type)

Paul K. Legard

Registration No.  
(Attorney/Agent)

38,534

Telephone

215-665-5314

Signature

Date

July 2, 2004

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DOCKET NO.: ISIS0053-100 (RTS-0182)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Popoff and Wyatt

Serial No.: 09/731,457

Group Art Unit: 1635

Filed: December 6, 2000


Examiner: J. Schultz

Title: Antisense Modulation Of Damage-Specific DNA Binding Protein 1, P127 Expression

Certificate of Facsimile Transmission

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On 2 July 2004

  
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Commissioner for Patents  
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Alexandria, VA 22313-1450

Dear Sir:

PRELIMINARY AMENDMENT

This Preliminary Amendment is filed in response to the Advisory Action mailed June 24, 2004 and is being filed along with the request for continued examination (RCE) filed herewith in connection with the above-identified patent application. Applicants respectfully request that the application be amended as follows.